

JFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Docket:

7432-0054

Applicants:

Burrow et al.

Invention: AN ADJUSTABLE LENGTH
BREATHING CIRCUIT

Application No.: 10/811,121

Filed: 26 March 2004

Examiner: Unknown

Art Unit: 3743

Certificate of Mailing Under 1.8(a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dated: 30 June 2004

Signed: E. Victor Indiano

INFORMATION DISCLOSURE STATEMENTCommissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This statement is filed in the application identified above pursuant to 37 CFR §§ 1.56, 1.97 and 1.98. Applicant calls attention to the art references within the knowledge of applicant and its attorney which are listed on the attached PTO Form 1449. Copies of the references other than U.S. Patents are enclosed. No representation is intended that a complete search has been made of the prior art or that no better art references are available. The filing of this statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to the patentability as defined in 1.56(b).

REMARKS

None of the art cited on the attached PTO Form 1449 is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Please charge any fees that might be due in connection with this Information Disclosure Statement to E. Victor Indiano's Deposit Account No. 50-1590. An extra copy of this Information Disclosure Statement is enclosed for that purpose.

Respectfully submitted,

E. Victor Indiano, Reg. No. 30,143

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

7432-0054

APPLICATION NO. 10/811,121

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANT

Burrow et al.

FILING DATE 26/March/2004

ART UNIT 3743

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPLICABLE
	AA	6,003,511	12/21/99	Fukunaga et al.	128	202.27	7/15/98
	AB	5,983,896	11/16/99	Fukunaga et al.	128	202.27	2/4/98
	AC	5,983,894	11/16/99	Fukunaga et al.	128	205.29	7/15/98
	AD	5,983,891	11/16/99	Fukunaga et al.	128	200.24	7/15/98
	AE	5,823,184	10/20/1998	Gross	128	204.18	3/25/97
	AF	5,778,872	07/14/1998	Fukunaga et al.	128	202.27	11/18/96
	AG	5,722,391	03/03/1998	Rosenkoetter et al.	128	200.24	11/12/1996
	AH	5,715,815	2/10/1998	Lorenzen et al.	128	207.14	02/12/1996
	AI	5,623,922	4/29/1997	Smith	128	204.18	1/3/95
	AJ	5,546,930	8/20/1996	Wikefeldt	128	201.13	9/2/93
	AK	5,404,873	04/11/1995	Leagre et al.	128	204.18	6/16/93

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL	93941	08/10/23	Austria				
	AM	0 462 412 A2	12/27/91	European Patent Office				
	AN	1 270 946	4/19/72	United Kingdom	A61M 16	00		
	AO	WO 85/05277	12/05/85	Patent Cooperation Treaty				
	AP	WO 91/19527	12/26/91	Patent Cooperation Treaty				
	AQ							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Andrews, J. Jeffrey, <u>Inhaled Anesthetic Delivery</u> , Anesthesia, Fourth Edition, pp. 185; and 203-207
	AS	Byrick, R.J., et al., "Rebreathing and Co-Axial Circuits: A Comparison of the Bain and Mera F", <u>Canad Anaesth Soc J</u> , Vol. 28, pages 321-328 (1981)
	AT	Dorsch, Jerry A., M.D., Dorsch, Susan E., M.D., <u>Understanding Anesthesia Equipment</u> , Chapter 7, The Circle Absorption System, pp. 201-202 and 220-221

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 7432-0054	APPLICATION NO. 10/811,121
	APPLICANT Burrow et al.	
	FILING DATE 26/March/2004	ART UNIT 3743

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPLICABLE
	BA	5,377,670	1/3/1995	Smith	128	204.17	6/19/92
	BB	5,320,093	6/14/1994	Raemer	128	203.12	12/21/90
	BC	5,284,160	2/8/1994	Dryden	128	203.12	11/13/91
	BD	5,195,527	03/23/93	Hicks	128	205.12	11/18/1991
	BE	5,140,983	08/25/1992	Jinotti	128	207.14	8/24/90
	BF	5,121,746	06/16/1992	Sikora	128	203.12	5/29/91
	BG	5,088,486	02/18/1992	Jinotti	128	207.14	4/11/90
	BH	4,967,744	11/06/1990	Chua	128	204.18	11/3/98
	BII	4,938,210	07/02/1990	Shene	128	203.12	04/25/98
	BJ	4,809,706	03/07/1989	Watson et al.	600	538	3/7/89
	BK	4,637,384	06/20/1987	Schroeder	128	204.18	2/15/85

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BL							
	BM							
	BN							
	BO							
	BP							
	BQ							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	BR	Forrest, P.R., "Defective Anaesthetic Breathing Circuit", <i>Canad J Anaesth</i> , Vol. 34, pages 541-542 (1987)
	BS	Goresky, G.V., "Bain Circuit Delivery Tube Obstructions", <i>Canad J Anaesth</i> , Vol. 37, page 385 (1990)
	BT	Hannallah, R., et al., "A Hazard Connected With Re-Use of the Bains Circuit: A Case Report", <i>Canad Anaesth Soc J</i> , Vol. 21, pages 511-513 (1973)
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPLICABLE
	CA	4,621,634	11/11/1986	Nowacki et al.	128	204.18	1/27/84
	CB	4,596,246	06/24/2986	Lyal	128	202.27	2/24/84
	CC	4,463,755	08/07/1984	Suzuki	128	204.18	5/13/75
	CD	4,462,397	07/31/1984	Suzuki	128	200.14	4/01/82
	CE	4,391,271	07/05/1983	Blanco	128	203.12	4/06/81
	CF	4,367,769	01/11/1983	Bain	138	114	7/17/78
	CG	4,265,235	05/05/1981	Fukunaga	128	200.24	5/11/79
	CH	4,269,194	05/26/1981	Rayburn et al.	128	719	5/17/79
	CI	4,232,667	11/11/1980	Chalon et al.	128	203.26	9/5/78
	CJ	4,188,946	02/19/1980	Watson	128	204.22	10/7/77
	CK	4,007,737	02/15/1977	Paluch	128	188	4/7/75
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	CL						
	CM						
	CN						
	CO						
	CP						
	CQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CR	Heath, P.J., et al., "Modified Occlusion Tests for the Bain Breathing System", <i>Anaesthesia</i> , Vol. 46, pages 213-216 (1991)					
	CS	Jeretin, S. et al., "A Variable Dead-space Device for Use with the Engström Respirator", <i>Anesthesiology</i> , Vol. 34, pages 576-577 (1971)					
	CT	Okazaki, et al., Effect of Carbon Dioxide (Hypocapnia and Hypercapnia) on Regional Myocardial Tissue Oxygen Tension in the Dog", <i>Anesthesiology</i> , Vol. 71, No. 3A, A486 (1989)					
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	DA	3,856,051	12/24/1974	Bain	138	114	1/18/73
	DB	3,713,440	01/30/1973	Nicholes	128	188	1/18/71
	DC	3,556,097	01/19/71	Wallace	128	188	9/25/69
	DD	4,896,666	01/30/1998	Hinkle	128	202.13	7/6/87
	DE	5,499,625	03/19/1996	Frass et al.	128	207.15	1/27/94
	DF	5,819,733	10/13/1998	Bertram	128	207.15	11/8/96
	DG	5,778,872	07/14/1998	Fukunaga et al.	128	205.29	11/18/96
	DH	5,983,891	05/16/1999	Fukunaga et al.	128	205.29	7/15/98
	DII	6,564,799	05/20/2003	Fukunaga et al.	128	205.29	3/28/01
	DJ	2003/0075176	04/24/2003	Fukunaga et al.	128	203.12	9/24/2002
	DK	US2003/0183231	10/2/2003	Pedulla et al.	128	204.18	2/6/2003
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
	DL						
	DM						
	DN						
	DO						
	DP						
	DQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	DR	Okazaki, et al., Effect of Carbon Dioxide (Hypocapnia and Hypercapnia) on Regional Myocardial Tissue Oxygen Tension in Dogs with Coronary Stenosis", <i>Anesthesiology</i> , Vol. 73, No. 3A, A549 (1990)					
	DS	Okazaki, et al., "Effect of Carbon Dioxide (Hypocapnia and Hypercapnia) on Internal Mammary-Coronary Arterial Bypass Graft Blood Flow and Regional Myocardial Oxygen Tension in the Dog", <i>Anesthesiology</i> , Vol. 81, No. 3A, A717 (1994)					
	DT	Paterson, J.G., et al., "A Hazard Associated with Improper Connection of the Bain Breathing Circuit", <i>Canad Anaesth Soc J</i> , Vol. 22, pages 373-377 (1975)					
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	EA						
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
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	EM						
	EN						
	EO						
	EP						
	EQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	ER	Pilbeam, Susan P., <i>Mechanical Ventilation, 2nd Ed., Mosby year Book</i> , St. Louis, Missouri, pages 285-286 (1992)					
	ES	Pontoppidan, H., et al., "Acute Respirator Failure in the Adult", <i>New England Journal of Medicine</i> , Vol. 287, pages 743-752 (1972)					
	ET	Robinson, S., et al., "Safety Check for the CPRAM Circuit", <i>Anesthesiology</i> , Vol. 59, pages 488-489 (1983)					
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	FA						
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	FL						
	FM						
	FN						
	FO						
	FP						
	FQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	FR	Scott, P.V., et al., "Variable Apparatus Deadspace", <i>Anaesthesia</i> , Vol. 46, No. 9, pages 1047-1049 (1991)					
	FS	Shapiro, B.A., et al., "Clinical Application of Respiratory Care", <i>Yearbook Medical Publishers, Inc.</i> , pages 351-352 ("Principles of Ventilator Maintenance") (1979)					
	FT	Stoyka, W., "Usefulness of the Suwa Nomogram in Patients in Respiratory Failure", <i>The Canadian Anaesthetists' Society Journal</i> , pages 119-128 (1970)					
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
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	GO						
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	GQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	GR	Suwa, K., et al., "Change in P_{aCO_2} with mechanical dead space during artificial ventilation", <i>Journal of Applied Physiology</i> , Vol. 24, pages 556-561 (1968)					
	GS	Advertisement of the CPRAM™ Coaxial Circuits by Dryden Corporation, Indianapolis, Indiana					
	GT	Advertisement of the ACE Breathing Circuit™ by the Meridian Medical Systems, Inc., Indianapolis, Indiana					
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	HA						
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
	HL						
	HM						
	HN						
	HO						
	HP						
	HQ						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	HR	Fletcher, R., Scott, P.V., Jones, R.P., "The variable deadspace is not necessary," Correspondence reported in <i>Anaesthesia</i> , Vol. 47, No. 7, pages 623-624 (1992).					
	HS						
	HT						
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